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**Early Learning & Human Services  
Committee**

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**HB 1302**

**Brief Description:** Concerning extended foster care services.

**Sponsors:** Representatives Roberts, Walsh, Kagi, Goodman, Carlyle, Freeman, Stonier, Reykdal, Lytton, Jinkins, Ryu, Maxwell, Tharinger, Santos and Pollet.

**Brief Summary of Bill**

- Expands the eligibility criteria which may allow a youth to request extended foster care services.
- Modifies the procedure for the court's dismissal of dependency cases once a youth turns age 18 and for the youth's request for extended foster care services.

**Hearing Date:** 2/7/13

**Staff:** Linda Merelle (786-7092).

**Background:**

*The Fostering Connections to Success and Increasing Adoptions Act of 2008*

In October 2008 Congress passed the Fostering Connections to Success and Increasing Adoptions Act of 2008. One of the key provisions of the legislation allowed states to use foster care funds to provide extended foster care services to youth between the ages of 18 and 21 who engaged in certain qualifying activities.

*Extended Foster Care Services*

In 2011 the Legislature established "extended foster care services," which are defined as residential and other support services that the Department of Social and Health Services (DSHS) is authorized to provide to foster children who have an open dependency case when they turn age

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18. The legislation also established a procedure by which youth aging out of foster care could access extended foster care services.

### *Eligibility Criteria*

Under the legislation enacted in 2011, a youth was eligible for extended foster care services until age 21 while he or she participated in or completed a secondary education program or a secondary education equivalency program. In 2012 the Legislature expanded the eligibility to include youth who were enrolled, or had applied for and demonstrated intent to enroll, in a postsecondary academic or postsecondary vocational program. Extended foster care services include: (1) placement in licensed, relative, or otherwise approved care; (2) supervised independent living settings; (3) assistance in meeting basic needs; (4) independent living services; (5) medical assistance; and (6) counseling or treatment.

### *Court Procedure*

When a youth in foster care, who has an open dependency case, reaches age 18, his or her parent or guardian is dismissed from the dependency proceeding. After the parent's or guardian's dismissal, the dependency court must postpone for six months the dismissal of the dependency case in its entirety if the youth is enrolled in a secondary or postsecondary education program or a secondary or postsecondary education equivalency program. This six-month postponement allows the youth who is eligible for extended foster care services time to request extended foster care services after turning 18. At the end of the six-month period, if the youth has not requested extended foster care services, the court must dismiss the dependency. The court may also dismiss the dependency if, during the six-month period, the youth is no longer eligible for extended foster care services. The DSHS is relieved of any supervisory duties over a youth who is 18 but has not requested extended foster care services. While a youth receives extended foster care services, he or she is under the care and placement authority of the DSHS.

### **Summary of Bill:**

When a youth with an open dependency turns 18, the court must dismiss the case. At any time after turning 18, the youth may request extended foster care services from the DSHS. Youth who are in a dependency guardianship and youth whose dependency case has been dismissed before reaching age 18 also may request extended foster care services.

An eligible youth must be: (1) enrolled in a secondary education program or a secondary education equivalency program; (2) enrolled and participating in a postsecondary academic or postsecondary program; (3) participating in a program or activity designed to promote employment or remove barriers to employment; (4) engaged in employment for 80 hours or more per month; or (5) incapable of engaging in any of these activities due to a medical condition that is documented. If the youth is at least 17 1/2 at the time of the permanency hearing, he or she must be provided written documentation regarding the availability of extended foster care services and detailed instructions regarding how to access those services after they reach age 18.

Upon a request by the youth for extended foster care services and the completion of a "voluntary re-entry agreement", the DSHS must file a petition with the court requesting that the youth receive extended foster care services. Once the petition is filed, and the court has determined

that the youth is eligible for extended foster care services, the court must establish a dependency case for the youth who is now over age 18. The court must also appoint counsel to represent the youth in any dependency proceedings.

If the youth requests extended foster care services, and the DSHS declines to provide such services, the DSHS must document its reasons for declining to provide extended foster care services and file such documentation with the court. The court must then set a hearing date to determine whether the youth is eligible for extended foster care services.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2013.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.